

August 3, 2009

NOTICE OF ISSUANCE

Pursuant to Section 59111 of the Food and Agriculture Code

MINOR AMENDMENT TO THE CALIFORNIA PEAR MARKETING PROGRAM

ALL CALIFORNIA PEAR PRODUCERS SUBJECT TO THE CALIFORNIA PEAR MARKETING PROGRAM, PLEASE NOTE:

That the Department of Food and Agriculture, acting pursuant to the provisions of Chapter 1 of Part 2, Division 21 of the Food and Agricultural Code, has issued and made effective a minor amendment (as attached) to the California Pear Marketing Program. The amendment is summarized below. These changes will officially become effective on August 12, 2009.

Summary of the Minor Amendment:

This minor amendment eliminates term limits for individuals serving on the California Pear Advisory Board (CPAB). This change was made at the request of the Board in view of the decreased availability of eligible industry members willing to serve on the CPAB. The changes made are as follows:

- 1) Item 4 of Article II, Section A of the California Pear Marketing Program has been modified by:
 - a. Removing the language limiting to two the number of consecutive terms any person may serve on the Board, and
 - b. adding language stating that there are no term limits to serve on the Board in any capacity
- 2) Item 7 of Article II, Section A has been modified by eliminating the language that limits to three the number of consecutive terms of office a member-at-large may serve on the Board.

If you have questions concerning this amendment or if you would like a copy of the official order of the Department making these changes effective, please contact Chris Zanobini, Executive Director of the Pear Marketing Program at (916) 441-0432 or Kathy Diaz-Crețu in the Marketing Branch at (916) 341-6005.

Sincerely,



Robert Maxie, Branch Chief
Marketing Branch

Enclosure

Exhibit "A"

CALIFORNIA PEAR MARKETING PROGRAM

ARTICLE II

PEAR ADVISORY BOARD

Section A. ESTABLISHMENT, MEMBERSHIP, AND TERM OF OFFICE.

1. A Board to be known as the Pear Advisory Board is hereby established and shall consist of up to twelve (12) members to assist the Department in the administration of this Program. The Board shall be composed of producers, as herein defined.
2. Members and alternate members shall be appointed by the Department from nominations received for that purpose.
3. The regular term of office of the members (except members-at-large) shall be three (3) years beginning with the effective date of this Program and ending April 30 of the applicable marketing season. However, to provide for a staggered term of office for appointees to the initial Board: three (3) members shall serve a one-year term; three (3) members shall serve a two-year term; and four (4) members shall serve a three-year term.
4. **There shall be no term limits to serve on the advisory board in any capacity.** ~~No individual, including members of the initial Board, shall serve more than two (2) consecutive three-year terms of office; provided, appointment to fill out less than a full three-year term shall not be included in determining two (2) consecutive terms of office.~~
5. Representation on the Board shall be by districts as herein described, or as such district representation may be changed by recommendation of the Board and approval of the Department, to maintain equitable representation in accordance with areas of production. Any such change of boundary lines of said districts or change in district representation shall be deemed a minor amendment to this Program.

Said districts are as follows:

District No. 1, the "Early" District, shall be represented by five (5) members and shall consist of the following counties: San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara, Stanislaus, Merced, Madera, Contra Costa, Solano, Marin, Mariposa, Mono, Inyo, Fresno, Kings, Tulare, Kern, Ventura, Orange, Los Angeles, San Bernardino, Riverside, San Diego, Imperial, San Joaquin, Sacramento, Yolo, Sutter, Yuba,

Colusa, Glenn, Butte, Tehama, Shasta and Siskiyou. Not less than three (3) members from District 1 shall be producers in Sacramento County.

District No. 2, the "Late" District shall be represented by five (5) members and shall consist of the following counties: Lake, Mendocino, Napa, Sonoma, Del Norte, Humboldt, Trinity, Modoc, Lassen, Plumas, El Dorado, Nevada, Placer, Sierra, Amador, Calaveras, Alpine and Tuolumne. Not less than two (2) members from District 2 shall be producers in Lake County and not less than two (2) members in District 2 shall be from Mendocino County.

6. There shall be only one (1) alternate member for District 1, and this alternate can act in the place of any of the members in District 1. There shall be only one (1) alternate member for District 2, and this alternate can act in the place of any of the members in District 2. The District alternates shall serve one (1) year terms, said terms to begin on May 1 of any year and to end on April 30 of the succeeding year. In addition to serving in place of absent District members, the alternates may serve in the place of absent members-at-large. In the event that a member-at-large is absent at a meeting, either of the District alternates may serve in his or her place. The alternate member who lives the closest to the absent member-at-large shall be the one who will serve for the absent member-at-large. *(Amended January 20, 1994)*
7. Producer members-at-large. In addition to the District membership, the Board, by a majority vote may nominate and the Department may appoint not more than two (2) producer members-at-large who will be selected without regard to districts. The term of office of the members-at-large shall be one (1) year beginning on May 1 of any year and ending April 30 of the succeeding year; except that the term of office for the initial members-at-large may begin with the effective date of this Program. ~~Members-at-large may serve no more than three consecutive terms of office.~~
8. Notwithstanding other provisions of this Article II, and upon recommendation of the Board, the Department may appoint one (1) member and one (1) alternate member to the Board to represent the general public, in addition to the up to twelve (12) producer members of the Board provided for in this Section A. Such persons shall not be affiliated in any way with respect to the production or marketing of pears and shall have all the rights and privileges, including voting, of any other member or alternate member of the Board. The regular term of office of any member or respective alternate member appointed pursuant to this subsection 8 shall be as close as possible to one (1) full year and shall terminate on April 30 during the year following their appointment.